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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/238,948	01/27/1999	JAMES D. LOGAN	JDL-003	5659

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EXAMINER

HUYNH, SON P

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/238,948

Applicant(s)

LOGAN ET AL.

Examiner

Son P. Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2005 and 05 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-26,28-41,43-48,50,55,56,61 and 63-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-26,28-41,43-48,50 and 55 is/are allowed.
- 6) ☒ Claim(s) 56,61 and 63-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 56 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument regarding claims 63-67 that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Von Kohorn discloses a system comprises a receiving station comprises a receiver for receiving broadcast television program and other information, the received program and other information are processed and provided to a display screen for display television program and other data. An input device is used to control operation of the receiver (figure 1; col. 6, line 55-col. 8, line 68). Legall also discloses a system comprises a receiving station comprises a receiver for receiving broadcast television program and other information, the received program and other information are processed and provided to a display screen (120) for display television program and other data. An

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input device (115) is used to control operation of the receiver (figures 1-2). Legall further discloses generating computer readable data, the computer readable data being representative of a menu of program segments (program menu), each of the segments corresponding to a particular marking signal (each of the icon on the screen comprises associated data corresponding to a signal – figure 2), the computer readable data is transmitted to the receiver from the source such as Internet, cable broadcast, satellite (figures 3A-3B). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Von Kohorn with the teaching as taught by Legall in order to provide a search tool for searching broadcast information (col. 1, lines 30-43), therefore allowing the user to select a desired program easily.

Applicant does not argue about rejections of claim 61, therefore, rejection on claim 61 is analyzed as discussed below.

Claims 27, 49, 51-54, 57-60, 62, 69-72 have been canceled.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the

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applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claim 56, 61, 63-64, 66 are rejected under 35 U.S.C. 102(e) as being anticipated by Hendricks et al. (US 6,160,989).

Regarding claim 56, Hendricks discloses a method for generating a modified program signal, wherein the signal (205) is received at the head end (208); network controller (214) modifies the received signal before transmitting the signal to the set top terminal (figures 6a-7; col. 10, line 1-col. 11, line 34). The network controller also monitors program selections at subscriber home. The user viewing habits is stored in the RAM of the set top terminal. The set top terminal generates a status report of viewer viewing habits and transmits the status report to the head end. The head end process the status report, and based on the user viewing habit, the head end modifies the program provided to the set top terminal (e.g. inserting advertisement targeting to particular user, select different language for the same program, etc. (col. 14, lines 45-62; col. 15, line 13-col. 16, line 30; col. 17, line 21-col. 18, line 45; col. 21, line 36-col. 22, line 52; col. 24, lines 13-24; col. 26, line 4-col. 28, line 58). Thus, the method for generating a proprietary program signal as claimed is broadly met by Hendricks' disclosure as follow:

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"receiving a first broadcast programming at an editing station" is met by receiving broadcast signal and program control information at the head end;

"generating a marking signal at said editing station representative of information for modifying the first broadcast programming signal" is met by generating signal at the head end with information for modifying the signal received at the head end;

"transmitting said marking signal from said editing station to a remote location" is met by transmitting modified signal with modified information to the set top terminal;

"monitoring user viewing habits during the viewing of said first broadcast programming at said remote location" is met by monitoring user activities/behaviors (e.g. select another channel, skip commercial, etc.) during viewing of the selected programming signal at the set top terminal;

"generating a viewing log signal at said remote location in response to said user viewing habits during viewing of said first broadcast programming signal" is met by generating status report at the set top terminal in response to the user activities/behavior during viewing of the program (col. 26, line 62-col. 27, line 50);

"transmitting said viewing log signal from said remote location to said editing location" is met by transmitting the status report of viewer viewing habits to the head end;

"receiving a second broadcast programming signal at said editing station" is met by receiving the broadcast signal at the head end;

"generating a second marking signal at said editing station representative of information for modifying said second broadcast program signal in response to said viewing log signal" is met by generating signal with modified information at the head end for

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modifying the received signal in response to status report received from set top terminal (e.g. insert target advertisement); and

“transmitting said second marking signal from said editing station to said remote location for modifying said second broadcast signal at said remote location” is met by transmitting the signal with modified information from the head end to the set top terminal.

Regarding claim 61, Hendricks discloses a method for generating a modified program signal, wherein the signal (205) is received at the head end (208); network controller (214) modifies the received signal before transmitting the signal to the set top terminal (figures 6a-7; col. 10, line 1-col. 11, line 34). The network controller also monitors program selections at subscriber home. The user viewing habits is stored in the RAM of the set top terminal. The set top terminal generates a status report of viewer viewing habits and transmits the status report to the head end. The head end process the status report, and based on the user viewing habit, the head end modifies the program provided to the set top terminal (e.g. inserting advertisement targeting to particular user, select different language for the same program, etc. (col. 14, lines 45-62; col. 15, line 13-col. 16, line 30; col. 17, line 21-col. 18, line 45; col. 21, line 36-col. 22, line 52; col. 24, lines 13-24; col. 26, line 4-col. 28, line 58). Hendricks further discloses the program and control signal can be stored at set top terminal in VCR or local storage (col. 11, line 40-col. 12, line 65). Thus, the method for generating a proprietary stored program signal as claimed is broadly met by Hendricks' disclosure as follow:

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“receiving a first set of broadcast programming signals in response to a plurality of user specified program selections” is broadly met by receiving signal in response to user selection at the set top terminal;

“storing said first set of broadcast programming signal” is broadly met by storing the program selected by user in local storage or VCR at the set top terminal;

“monitoring said user specified program selection” is broadly met by monitoring user program selection/behavior;

“generating a program selection signal representative of said user specified program selections” is broadly met by generating representative of user program selection (information in status report);

“receiving and storing a second set to broadcast programming signals in response to said program selection signal” is broadly met by receiving and storing program signal in response to user program selection.

Regarding claim 63, Hendricks discloses a method for generating a modified program signal, wherein the signal (205) is received at the head end (208); network controller (214) modifies the received signal before transmitting the signal to the set top terminal (figures 6a-7; col. 10, line 1-col. 11, line 34). The network controller also monitors program selections at subscriber home. The user viewing habits is stored in the RAM of the set top terminal. The set top terminal generates a status report of viewer viewing habits and transmits the status report to the head end. The head end process the status report, and based on the user viewing habit, the head end modifies the program

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provided to the set top terminal (e.g. inserting advertisement targeting to particular user, select different language for the same program, etc. (col. 14, lines 45-62; col. 15, line 13-col. 16, line 30; col. 17, line 21-col. 18, line 45; col. 21, line 36-col. 22, line 52; col. 24, lines 13-24; col. 26, line 4-col. 28, line 58). Hendricks further discloses generating and transmitting program control information representative of a menu of program to set top terminal (col. 18, line 1-col. 21, line 7). Thus, the method for generating a proprietary program signal as claimed is broadly met by Hendricks' disclosure as follow:

"generating a marking signal representative of information for modifying a broadcast signal" is broadly met by generating modified signal with information for modifying the broadcast signal;

"transmitting the marking signal to a remote location" is broadly met by transmitting modified signal with information to the set top terminal;

"generating computer readable data, said computer readable data being representative of a menu of program segments, each of said program segments corresponding to a particular marking signal" is broadly met by generation program control information being representative of menu of program, each of program corresponding to a modified signal with information to modify the program;

"transmitting said computer readable data to said remote location" is broadly met by transmitting the program control information to set top terminal;

whereby a viewer at said remote location may select a marking signal for modifying said broadcast programming signal based on said computer readable data" is broadly met by

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the user at the set top terminal may select modified program with information for modifying the broadcast signal based on the program control information.

Regarding claim 64, Hendricks further discloses the program control information comprises program length, title, etc. (col. 18, lines 29-60) reads broadly on the claimed feature of "said computer readable data comprises program segment information."

Regarding claim 66, Hendricks further discloses viewing the program segment information simultaneously with viewing the broadcast programming signal (figure 8c).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Von Kohorn (US 4,605,973) in view of Stautner et al. (US 6,172,677).

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Regarding claim 61, the claimed limitations are broadly met by Von Kohorn's disclosure as discussed below:

"receiving a first set of broadcast programming signal in response to a plurality of user specified program selection" is broadly met by receiving the program at the receiving station in response to user specified program selection (col. 3, line 53-col.4, line 19);

"storing said first set of broadcast programming signals" is broadly met by recording the programming signal (col. 3, line 53-col. 4, line 19);

Von Kohorn further discloses the receiving station records program based on viewer preset information (col. 3, lines 55-col. 4, line 45). Thus, a selection signal representative of the user specified program selection is generated so that the program selected to be recorded is identified, received and recorded at the receiving station. However, Von Kohorn does not specifically disclose monitoring user specified program selection.

Stautner et al. discloses the information respect to a given user to learn their usage pattern. Log files are maintained which will stored a pattern of uses. If a user four nights in a row watches the 10 O'clock news on a particular channel, the computer can recognize this fact and present an option to the user to turn on either immediately before the 10 O'clock news or exactly at the 10 O'clock news tune to that channel (see col. 7, line 56-col. 8, line 4). Inherently, the viewing control program for monitoring user viewing habits and generating a viewing log of the broadcast programming signal viewed by the user. Therefore, it would have been obvious to one of ordinary skill in the

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art at the time the invention was made to modify Von Kohorn to provide viewing control program as taught by Stautner in order to store user viewing habits for later use such as targeting data to user therefor allow user to select desired data easily.

4. Claims 63-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Von Kohorn (US 4,605,973) and in view of Legall et al (US 6,005,065).

Regarding claims 63, the claimed limitations are broadly met by Von Kohorn's disclosure as follow:

"generating a marking signal representative of information for modifying a broadcast programming signal" is broadly met by generating control signal or editing command signal for modifying a broadcast programming signal (col. 2, lines 12-59);

"transmitting said marking signal to a remote location" is broadly met by transmitting the control signal/editing command signal to receiving station (col. 2, lines 12-59);

Von Kohorn further discloses generating data so that the data is received at the receiving station can be used to modify the broadcast programming signal such as removing unwanted material (col. 2, line 10-col. 3, line 9; col. 4, line 1-19). Thus, each particular program segments (i.e. interview of one of the cast) corresponding to a particular marking signal (control signal/editing command signal);

"transmitting said computer readable data to said remote location, whereby a viewer at said remote location may select a marking signal for modifying said broadcast programming signal based on said computer readable data" is broadly met by

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transmitting data corresponding to control signal/editing command signal to the receiving station, wherein the user at the receiving station uses data of the control signal/editing command to modify the received programming signal (col. 2, line 10-col. 3, line 9; col. 4, line 1-19). However, Von Kohorn does not specifically disclose the data being representative of a menu of program segments.

Legall et al. discloses computer readable data being representative of a menu of program segment (each icon on the menu represent an associate program segment (see figures 1, 3B). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Von Kohorn to use the teaching as taught by Legall in order to allow user to locate desired program easily.

Regarding claim 64, Legall et al. further discloses the computer readable data comprises program segment information (e.g. title, actor, etc. see figures 3B and 4).

Regarding claim 32, Legall et al. discloses the computer readable data is representative of a beginning of a program segment (see figure 4).

Regarding claim 65, Von Kohorn in view of Legall et al. discloses system as discussed in the rejection of claim 64. Von Kohorn further discloses recorder (30) for storing broadcast program for playing back later (figure 1, col. 3, line 53-col. 4, line 19). It would have been obvious to one of ordinary skill in the art of halting playback of the broadcast programming signal during viewing of the program segment information (e.g. user input

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pause or stop command during playing back of a program) in order to avoid missing any portion of the program previously being watched.

Regarding claim 66, Legall further discloses the viewing the program segment information simultaneously with viewing the broadcast programming signal (see figures 1 and 3A).

Regarding claim 67, Von Kohorn in view of Legall et al. discloses a system as discussed in the rejection of claim 64. However, neither Von Kohorn nor Legall et al. discloses generating time remaining signal based on the program segment information and representative of the time remaining in a program segment or a total broadcast programming signal; and displaying the time remaining in a program segment or total broadcast programming signal based on the time remaining signal. Official Notice is taken that generating a time remaining and displaying it is well known in the art. For example, generating and displaying time remaining of a program in a video tape. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Von Kohorn and Legal et al. to use the well-known teaching in the art in order to indicate the remaining time so that the viewers know in advance the remaining time of the program.

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5. Claim 68 is rejected under 35 U.S.C. 103(a) as being unpatentable over Von Kohorn (US 4,605,973) in view of Legall et al (US 6,005,065), and further in view of Schindler (US 6,081,830).

Regarding claim 68, Von Kohorn in view of Legall et al. discloses a method as discussed in the rejection of claim 63. However, neither Von Kohorn nor Legall et al. discloses receiving viewer comment related to the broadcast programming signal; and transmitting the viewer comments to remote location.

Schindler discloses a chat area 52 wherein the users can exchange comments related to the program being watching (see figure 3). Inherently, the method comprising: receiving computer readable data representative of viewer comments related to the program; and transmitting the computer readable data representative of viewer comments to the receiver. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Von Kohorn and Legall et al. with a method of receiving the viewer comments at the server and transmitting the viewer comments to the receiving site in order to exchange viewer comments related to the program.

Allowable Subject Matter

6. Claims 1, 3-26, 28-41, 43-48, 50, 55 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter:

Claim 55 is allowed as indicated in the Office Action mailed on 06/19/2002

Regarding claims 1-3-26, 28-40, 50, the prior art of records fails or fairly suggest an apparatus as variously claimed, particularly having an editing unit for generating, as a function of the broadcast programming signal, marking signals each of which includes information specifying the location of a corresponding program segment of the broadcast programming signal and a random access buffer memory coupled to the receiver for persistently storing a representation of the broadcast programming signal as a stored broadcast programming signal and a processor coupled to input device and the random access buffer memory for selectively jumping to and delivering to the monitor that program segment within the stored broadcast programming stored in the random access buffer memory that corresponds to the specified one of the marking signal

Regarding claim 41, 42-48, the prior art of records fails or fairly suggest an apparatus as variously claimed, particularly having an editing unit for generating, as a function of the broadcast programming signal, a first marking signal, including a blocking signal representative of information for preventing a deletion of a specified segment of the stored broadcast programming signal, representative of information for modifying the

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broadcast programming signal and a buffer coupled to the receiver comprising a random access memory for persistently storing the broadcast programming signal as a stored broadcast programming signal and a processor coupled to the buffer and the second communication system for modifying the stored broadcast programming signal in response to the marking signal.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Slezak (US 6,006,257) discloses providing "must view" video to the user (col. 9, lines 38-56).

Feinleib (US 6,637,032) discloses system and method for synchronizing enhancing content with a video programming using closed captioning.

Bohn (US 4,888,638) discloses system for substituting television programs transmitted via telephone lines.

The Applicant is respectfully referred to Maissel et al. (US 2003/0088872), paragraph 0378 that broadly read on the features as claimed in claim 55. Although the U.S filing

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date of this application is not qualified as Prior Art, It claims priority date of "Foreign Application Priority Data", filed on June 29, 1998 and July 3, 1997.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 8:30-6:00.

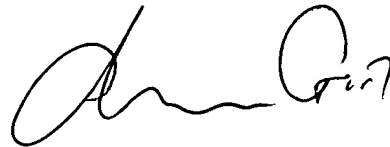
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SPH

July 24, 2005

A handwritten signature in black ink, appearing to read 'Chris Grant', is positioned above the printed name.

**CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800**